

Sec. 29. State canvassing board. The executive council shall constitute a board of canvassers of all abstracts of votes required to be filed with the secretary of state, except for the offices of governor and lieutenant governor. No member of such board shall take part in canvassing the votes for an office for which he is a candidate.

Sec. 30. Time of state canvass. On the twentieth day after the day of election, the board of state canvassers shall open and canvass all of the returns. If they are not received from all the counties, it may adjourn, not exceeding twenty (20) days, for the purpose of obtaining them, and, when received, shall proceed with the canvass. The returns of votes cast for senators and representatives in the general assembly shall be canvassed at least twenty (20) days prior to the convening of the general assembly.

That section four hundred ninety-five (495) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 31. Senator or representative in congress. The certificate of the election of a senator or representative in congress shall be signed by the governor, with the seal of the state affixed, and be countersigned by the secretary of state.

Approved February 20, 1924.

CHAPTER 16
ABSENT VOTERS
S. F. 27

AN ACT to amend, revise, and codify chapter nine (9) of title four (4) of the compiled code of Iowa and of the supplement to said code, relating to the right of a voter to vote when disabled or when absent from the polls on election day, or when engaged in the service of the government of the United States, or of this state.

Be It Enacted by the General Assembly of the State of Iowa

That chapter nine (9) of title four (4) of the compiled Code of Iowa and of the supplement to said Code is amended, revised, and codified to read as follows:

Section 1. Absent voter--right to vote--conditions. Any qualified voter of this state may, as provided in this chapter, vote at any general, municipal, special, or primary election, or at any election held in any independent town, city, or consolidated school district.

1. When, through the nature of his business he is, on election day, absent from the county in which he is a qualified voter, or, when he expects, in the course of said business, to be so absent.

2. When, through illness or physical disability, he is prevented from personally going to the polls on election day and voting.

Sec. 2. Application for ballot. Any voter, under the circumstances specified in the preceding section, may, on any day not Sunday or a holiday, and not more than twenty (20) days prior to the date of election, make application to the county auditor, or to the city or town clerk, as the case may be, for an official ballot to be voted at such election.

Sec. 2-a1. Secretary of school board. In the application of this chapter to elections held in independent city, town, and consolidated school districts, the secretary of the school board shall perform the duty herein imposed on the county auditor or clerk of the city or town.

Sec. 3. Officers to furnish blank applications. Said officers shall furnish to all qualified voters of the county, city or town of which they are such officers, blanks on which to make application for such ballot.

Sec. 4. Form of blank application. Applications for ballots shall be made on blanks substantially in the following form:

"APPLICATION FOR BALLOT TO BE VOTED AT THE _____ ELECTION ON

State of _____)
County of _____) ss.

I, _____, do solemnly swear that I have been a resident of the state of Iowa for six (6) months, of the county of _____ for sixty (60) days, and of the _____ precinct of _____ ward of the city, town or township of _____ ten (10) days next preceding this election, and that I am a duly qualified voter entitled to vote at said election; that my occupation is _____, and that on account of _____ I cannot be at the polls

(Business, illness, or physical disability)
on election day, and I hereby make application for an official ballot or ballots to be voted by me at such election, and that I will return said ballot or ballots to the officer issuing same, on or before the day of said election. I am affiliated with the _____ party

(Fill out only in case of primary election)

Signed _____

Date _____

Residence (Street and number, if any) _____

City or town _____ P.O. Address _____

Subscribed and sworn to before me this _____ day of

_____ A. D. 19 _____

Sec. 5. Residence in precinct. The requirement in the preceding section for ten (10) days' residence in the precinct shall not apply to general elections as defined in chapter six (6) of this title.

Sec. 6. Penalty clause added to forms. Immediately below said form, sections thirty-two (32) and thirty-three (33) of this act shall be printed in full.

Sec. 7. When party affiliation shown. Said application shall designate the voter's party affiliation only when the application is for a primary election ballot.

Sec. 8. Auditor or clerk to mail ballot. Upon receipt of such application, and immediately after the ballots are printed, it shall be the duty of such auditor or clerk to mail to said applicant, postage prepaid, such official ballot or ballots as such applicant would have the right to cast at such election. But if the voter is absent from the county and requests said application by letter, or some one makes the request for him, after the ballots are printed, then the auditor may send him both the application and ballot at the same time.

Sec. 9. Personal delivery of ballot. Such officer shall deliver said ballot or ballots to any qualified elector applying in person at the office of such auditor or clerk, as the case may be, and subscribing to the foregoing application, not more than fifteen (15) days before the date of said election, but said ballot shall be immediately marked, inclosed in the ballot envelope with proper affidavit thereon, and returned to said officer.

Sec. 10. Duty of auditor--form of affidavit. It shall be the duty of said auditor or clerk to fold said ballot or ballots in the manner in which they are required to be folded when voted, and to inclose the same in an unsealed envelope, to be furnished by him, which envelope shall bear upon the face thereof the name, official title, and postoffice address of such auditor or clerk.

Sec. 11. Voter's affidavit on envelope. On the reverse side of said unsealed envelope shall be printed a blank form of affidavit in substantially the following form:

"State of _____ }
County of _____ } ss.

I, _____, do solemnly swear that the following matters relating to my qualifications for registration and voting are true; residence, city, town or township of _____ street, No. _____ county, Iowa. Age _____ years, Nativity _____ Color _____, Sex _____. Term of residence in precinct _____, Term of residence in county _____ Term of residence in state _____. Naturalized _____ Date of naturalization papers _____. Court in which naturalized _____, Date of application _____ Whether by act of congress _____. Whether qualified voter _____ Last preceding place of residence, city, town or township of _____ street, No. _____. I am affiliated with the _____

party. I am engaged in the business
(Fill out only in case of primary election)
or work of _____; that I shall be prevented from
attending the polls on the day of election on account of (here affiant will state
whether absence from the county of his residence or physical disability), and
that I have marked the inclosed ballot in secret.

Signed _____

Subscribed and sworn to before me this _____ day of _____.

A. D. _____, and I hereby certify that the affiant exhibited the
inclosed ballot to me unmarked; that he then in my presence and in the presence
of no other person, and in such manner that I could not see his vote, marked
such ballot and inclosed and sealed the same in this envelope; that the affiant
was not solicited or advised by me for or against any candidate or measure.

(Official title.)²

Sec. 12. When party affiliation shown. Said affidavit shall designate
the voter's party affiliation only in case the ballot inclosed is a primary
election ballot.

Sec. 13. Marking ballot. The voter, on receipt of said ballot or ballots,
shall, in the presence of the officer administering the oath and of no other
person, mark such ballot or ballots, but in such manner that such officer will
not know how such ballot is marked.

Sec. 14. Taking and subscribing oath and inclosing ballot. After
marking such ballot, the voter shall, before said officer, make and subscribe to
the affidavit on the reverse side of the envelope, and, in the presence of such
officer, fold such ballot, or ballots, separately, so as to conceal the markings
thereon, and deposit the same in said envelope, which shall then be securely
sealed.

Sec. 15. Mailing or delivering ballot. The sealed envelope containing
the said ballot or ballots may be personally delivered by the voter to the
auditor, deputy, or clerk. If not so delivered, said envelope shall be inclosed
in a carrier envelope, which shall also be securely sealed, and mailed by the
voter, postage paid, to said auditor or clerk.

Sec. 16. Manner of preserving ballot and application. Upon the receipt
of such ballot, the auditor or clerk shall, at once, inclose the same, unopened,
together with the application made by the voter, in a large carrier envelope,
securely seal the same, and indorse thereon, over his official signature, the
following:

1. Names of the judges of election of the precinct (naming it) of which the voter is a resident.

2. The name of the city or town in which or near which such judges will hold the election in said precinct.

3. The street number, or other clear designation of the polling place in said precinct, and a statement that "This envelope contains an absent voter's ballot and must be opened only at the polls on election day while said polls are open."

Sec. 17. Delivery of ballot with election supplies. In case said voter's ballot is received by the auditor or clerk, prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot, envelope and application, sealed in the carrier envelope, shall be inclosed in such package and therewith delivered to the judges of such precinct.

Sec. 18. Auditor may mail or personally deliver. If said voter's ballot be received after the time specified in the preceding section, said receiving officer shall at once mail said carrier envelope, postage prepaid, to said judges. Said officer may, in person, or by deputized agent, personally deliver said envelope to said judges, if he can so do without expense to the county, city, or town.

Sec. 19. Receipt for ballot. In case ballots and applications are personally delivered, the delivering officer shall take the receipt of the judges therefor.

Sec. 20. Ballots rejected. All ballots forwarded to absent voters and not received by the auditor or city or town clerk in time for delivery to the judges of election before the closing of the polls, shall be rejected.

Sec. 21. Casting ballots. At any time between the opening and closing of the polls on such election day the judges of election of said precinct shall open the outer or carrier envelope only, announce the absent or disabled voter's name, and compare the signature upon the application with the signature upon the affidavit on the ballot envelope. In case the judges find the affidavits executed, that the signature correspond, the applicant a duly qualified elector of the precinct, and that the applicant has not voted in person at said election, they shall open the envelope containing the voter's ballot in such manner as not to deface or destroy the affidavit thereon, and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and, having indorsed the ballot in like manner as other ballots are required to be indorsed, deposit the same in the proper ballot box and enter the voter's name in the poll book, the same as if he had been present and voted in person.

Sec. 22. Precincts using voting machines. In precincts using voting machines, none of said ballot envelopes shall be opened until immediately after the closing of the polls to voters who vote in person. If there be more than one absent voter's ballot entitled to be cast, they shall, without being unfolded, be thoroughly intermingled in some proper manner, after which they shall be unfolded and, under the personal supervision of all the judges, be registered on the voting machine the same as if the absent voter had been present and voted in person.

Sec. 23. Rejecting ballot. In case such affidavit is found to be insufficient, or that the signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct, or that the ballot envelope is open, or has been opened and resealed, or that the ballot envelope contains more than one (1) ballot of any one kind, or that said voter has voted in person, such vote shall not be accepted or counted.

Sec. 24. Rejected ballots--how handled. Every ballot not counted shall be indorsed on the back thereof "Rejected because (giving reason therefor)." All rejected ballots shall be inclosed and securely sealed in an envelope on which the judges shall indorse "Defective ballots", with a statement of the precinct in which and the date of the election at which they were cast, signed by the judges and returned to the same officer and in the same manner as by law provided for the return and preservation of official ballots voted at such election.

Sec. 25. Rejection of ballot--return of envelope. If the ballot is rejected, said ballot envelope, with the affidavit of the voter indorsed thereon, shall be returned with said rejected ballot in the envelope indorsed "Defective ballots".

Sec. 26. Affidavit envelope constitutes registration. The affidavit upon the ballot envelope shall constitute a sufficient registration of the voter in precincts where registration is required.

Sec. 27. Alphabetical list completed. The judges of election shall, in case the ballot is deposited in the box, enter the voter's name on the alphabetical lists if not already there, with the same data as is entered when a certificate of registration is filed.

Sec. 28. Ballot envelope preserved. The ballot envelope having the voter's affidavit thereon shall, in case the ballot is deposited in the box, be preserved and returned with the certificate of registration, poll book and alphabetical lists to the city clerk, who shall preserve the same, and it shall be used by the registers of election, in precincts where registration is required, in making up the new registry lists from the poll books, and such affidavit shall serve as the registration record of the voter for the new registry books and lists.

Sec. 29. Challenges. The vote of any absent voter may be challenged for cause and the judges of election shall determine the legality of such ballot as in other cases.

Sec. 30. Ballot of deceased voter. When it shall be made to appear by due proof to the judges of election that any elector, who has so marked and forwarded his ballot, has died before the ballot is deposited in the ballot box, then the ballot of such deceased voter shall be indorsed, "Rejected because voter is dead", and be returned by the judges of election with the unused ballots to the official issuing it; but the casting of the ballot of a deceased voter shall not invalidate the election.

Sec. 31. Laws made applicable. This chapter and all other election laws now in force, and not inconsistent with this chapter, shall apply to all counties, cities and towns in which voting machines are used, and the proper election officials in such counties shall take such action as is necessary to carry out the provisions of this chapter.

Sec. 32. False affidavit. Any person who shall wilfully swear falsely to any of such affidavits shall be guilty of perjury, and punished accordingly.

Sec. 33. Refusal to return ballot. Any person who, having procured an official ballot or ballots, shall wilfully neglect or refuse to cast or return the same in the manner provided, or who shall wilfully violate any provision of this chapter, shall, unless otherwise provided, be fined not to exceed one hundred dollars (\$100.00), or imprisoned in the county jail not to exceed thirty (30) days. Any person who applies for a ballot and wilfully neglects or refuses to return the same shall be deemed to have committed an offense in the county to which such ballot was returnable.

Sec. 34. Offenses by officers. If any county auditor, city or town clerk, or any election officer shall refuse or neglect to perform any of the duties prescribed by this chapter, or shall violate any of the provisions thereof, he shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or imprisoned in the county jail not to exceed ninety (90) days.

Approved April 10, 1924.

CHAPTER 17
PRESIDENTIAL ELECTORS
H. F. 28

AN ACT to amend, revise, and codify section five hundred thirty-five (535) of the supplement to the compiled code of Iowa, relating to the election of presidential electors.

Be It Enacted by the General Assembly of the State of Iowa:

That section five hundred thirty-five (535) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Presidential electors - time of election - qualifications. At the general election in the years of the presidential election, or at such other times as the congress of the United States may direct, there shall be elected by the voters of the state one (1) person from each congressional district into which the state is divided, as elector of president and vice president, and two (2) from the state at large, no one (1) of whom shall be a person holding the office of senator or representative in congress, or any office of trust or profit under the United States

Sec. 2. Vote for president deemed vote for all party electors. A vote for the candidates of any political party, or group of petitioners, for president and vice president of the United States, shall be conclusively deemed to be a vote for each candidate nominated in each district and in the state at large by said party, or group of petitioners, for presidential electors and shall be so counted and recorded for such electors.

Sec. 3. Canvass of votes. The canvass of the votes for candidates for president and vice president of the United States and the returns thereof shall be a canvass and return of the votes cast for the electors of the same party or group of petitioners respectively, and the certificate of such election made by the governor shall be in accord with such return.

Sec. 4. Nonpolitical parties. The term "group of petitioners" as used in this chapter shall embrace an organization which is not a political party as defined by law.

Sec. 5. Presidential nominees. The names of the candidates for president and vice president, respectively, of a political party as defined in the law relating to primary elections, shall, at least twenty days prior to the election, be certified to the secretary of state by the chairman and secretary of the state central committee of said party.

Approved January 26, 1924.